

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:798

ANSWERED ON:18.07.2002

REHABILITATION OF RETIRED JUDICIAL OFFICERS IN TRIBUNALS FAST TRACK COURTS

SURESH KURUP

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether appointments in Boards, Tribunals and Commissions and Fast Track Courts are rehabilitating retired judicial officers;
- (b) if so, the number of instances of such appointments in respective areas during the last three years; and
- (c) whether the Government plan to stop this practice and provide avenues to younger generation?

Answer

MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHI)

(a) No, Sir.

(b) & (c) Appointment of District Judges and other judicial officers is made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State under the provisions of articles 233-234 of the Constitution of India. Thus, information in respect of appointment of retired judicial officer is not maintained in this Department.

The Supreme Court, vide its Judgment dated 6th May, 2002 in the case of Brij Mohan Lal Vs. Union of India and Ors has, inter-alia, given following directions regarding appointment of retired judges to Fast Track Courts:

‘The second preference in appointments to Fast Track Courts shall be given to retired judges who have good service records with no adverse comments in their ACRs, so far as judicial acumen, reputation regarding honesty, integrity and character are concerned.’

As per available information, States like Andhra Pradesh, Chhattisgarh, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya and Orissa have appointed retired judges as Presiding Officers in some of their Fast Track Courts, numbering more than 100.